

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Blue Spike, LLC,

Plaintiff,

v.

Texas Instruments, Inc., et al.,

Defendants.

CASE NO. 6:12-cv-499 MHS

LEAD CASE

Jury Trial Demanded

Blue Spike, LLC,

Plaintiff,

v.

Hitachi America, Ltd.,

Defendant.

CASE NO. 6:13-cv-087 MHS

CONSOLIDATED CASE

Jury Trial Demanded

**PLAINTIFF BLUE SPIKE’S REPLY IN RESPONSE TO
HITACHI’S COUNTERCLAIMS**

Plaintiff Blue Spike, LLC (“Blue Spike”) files this Reply to the Counterclaims of Defendant Hitachi America, Ltd. (“Hitachi” or “Defendant”) (Case No. 6:12-cv-499, Dkt. No. 675) as follows. All allegations not expressly admitted or responded to by Blue Spike are denied.

PARTIES

1. Blue Spike admits the allegations of Paragraph 1, upon information and belief.
2. Blue Spike admits the allegations of Paragraph 2.

JURISDICTION AND VENUE

3. Blue Spike admits the allegations of Paragraph 3.

4. Blue Spike admits the allegations of Paragraph 4.
5. Blue Spike admits that venue is proper in this District, and denies that venue in this District is “neither convenient nor in the interest of justice.”
6. Blue Spike admits the allegations of Paragraph 6.

**COUNT I: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE ‘175 PATENT**

7. Blue Spike denies the allegations of Paragraph 7.
8. Blue Spike denies the allegations of Paragraph 8.

**COUNT II: DECLARATORY JUDGMENT OF
INVALIDITY OF THE ‘175 PATENT**

9. Blue Spike denies the allegations of Paragraph 9.
10. Blue Spike denies the allegations of Paragraph 10.

**COUNT III: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE ‘494 PATENT**

11. Blue Spike denies the allegations of Paragraph 11.
12. Blue Spike denies the allegations of Paragraph 12.

**COUNT IV: DECLARATORY JUDGMENT OF
INVALIDITY OF THE ‘494 PATENT**

13. Blue Spike denies the allegations of Paragraph 13.
14. Blue Spike denies the allegations of Paragraph 14.

**COUNT V: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE ‘700 PATENT**

15. Blue Spike denies the allegations of Paragraph 15.
16. Blue Spike denies the allegations of Paragraph 16.

**COUNT VI: DECLARATORY JUDGMENT OF
INVALIDITY OF THE ‘700 PATENT**

- 17. Blue Spike denies the allegations of Paragraph 17.
- 18. Blue Spike denies the allegations of Paragraph 18.

**COUNT VII: DECLARATORY JUDGMENT OF
NON-INFRINGEMENT OF THE ‘472 PATENT**

- 19. Blue Spike denies the allegations of Paragraph 19.
- 20. Blue Spike denies the allegations of Paragraph 20.

**COUNT VIII: DECLARATORY JUDGMENT OF
INVALIDITY OF THE ‘472 PATENT**

- 21. Blue Spike denies the allegations of Paragraph 21.
- 22. Blue Spike denies the allegations of Paragraph 22.

PRAYER FOR RELIEF

Blue Spike denies that Defendant is entitled to any of the relief it requests.

PLAINTIFF’S PRAYER FOR RELIEF

In addition to the relief requested in its Original Complaint, Blue Spike respectfully requests a judgment against Defendant as follows:

- (a) That Defendant take nothing by its Counterclaims;
- (b) That the Court award Blue Spike its costs and attorneys’ fees incurred in defending against these Counterclaims; and
- (c) Any and all further relief for Blue Spike as the Court may deem just and proper.

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CERTIFICATE OF SERVICE

I, Randall T. Garteiser, am the ECF User whose ID and password are being used to file this document. I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this day. Pursuant to Federal Rule of Civil Procedure 5, this document was served via U.S. Mail and electronic means to counsel for Defendant that are not receiving this document via CM/ECF.

/s/ Randall T. Garteiser

Randall T. Garteiser